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October 6, 2020

BY ECF

The Honorable J. Paul Oetken
United States District Judge
United States District Court
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square, Room 2101
New York, NY 10007

Re: *Hay v. New York Media LLC, et al.*
No. 1:20-cv-06135 -JPO

Dear Judge Oetken:

This firm represents Plaintiff Bruce Hay in this action. We write, pursuant to Rule 1(A) of the Court's Individual Practices, for leave to amend the Complaint filed in this matter.

Pursuant to this Court's order of September 23, 2020, Plaintiff hereby seeks permission to file an Amended Complaint, annexed hereto as Exhibit A, to specify that Defendant New York Media LLC's sole member is New York Media Holdings, LLC, whose principal place of business is New York, and whose sole member is Anup Bagarian, an individual and a citizen of Connecticut. This establishes complete diversity of citizenship between Plaintiff, a citizen of Massachusetts, and all of the Defendants.

Plaintiff's Amended Complaint also does the following: (1) it clarifies some of the allegations in the "Facts" section; (2) it removes the separate claim for relief for Bad Faith, which forms part of the Breach of Contract claim; and (3) it adds a claim for relief under the New York City Human Rights Law.

Rule 15(a) of the Federal Rules of Civil Procedure provides that this Court "should freely give leave [to amend] when justice so requires." Fed. R. Civ. P. 15(a). The Court "should not deny leave unless there is a substantial reason to do so, such as excessive delay, prejudice to the opposing party, or futility." *Friedl v. City of New York*, 210 F.3d 79, 87 (2d

Cir. 2000). Because Defendants have not yet been served with Plaintiff's Complaint, they are in no way prejudiced by the amendments to it. The amendments are not futile, and do not delay the proceedings in any way.

Service pursuant to Fed. R. Civ. P. 4(m) is currently due by November 3, 2020, 90 days after filing of the original complaint. Plaintiff also requests extension of the time for service of process to 30 days after this Court's Order regarding Plaintiff's motion for leave to file an amended complaint.

Respectfully submitted,

s/ Jillian T. Weiss

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